AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for personal protective equipment and sanitation supplies public portal and imposing power and duties on the Department of Community and Economic Development.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 56-A

PERSONAL PROTECTIVE EQUIPMENT AND SANITATION SUPPLIES PUBLIC PORTAL

Sec.

5601-A. Scope of chapter.

5602-A. Definitions.

5603-A. Personal Protective Equipment and Sanitation Supplies Public Portal.

5604-A. Essential product supplier registration.

5605-A. Access to portal.
§ 5601-A. Scope of chapter.

This chapter relates to a personal protective equipment and sanitation supplies public portal.

§ 5602-A. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"COVID-19." The coronavirus disease 2019, an infectious disease caused by severe acute respiratory syndrome coronavirus 2 that was first identified during December 2019 in Wuhan, China.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Eligible procurement party." A life-sustaining business, whether for-profit or not-for-profit, emergency service agency, healthcare entity or State or local government entity in this Commonwealth that uses or desires to procure personal protective equipment or sanitation supplies.

"Essential product supplier." An entity that sells or offers to sell to the public personal protective equipment or sanitation supplies, or both, in this Commonwealth and that is included by the department on the portal as an essential product supplier.

"Life-sustaining business." A business deemed to be life-sustaining under the Governor's 20200319 TWW COVID-19 Business Closure Order.

"Personal protective equipment." The term includes, but is not limited to, surgical or procedure masks, respirators, face
masks with integrated shields, alcohol-based hand sanitizer, ventilators and related equipment and hospital gowns.

"Portal." The Personal Protective Equipment and Sanitation Supplies Public Portal established by this chapter.

"Sanitation supplies." Disinfectant materials that meet Environmental Protection Agency guidelines for use against SARS-CoV-2, the virus that causes COVID-19.

"Testing and testing supplies." Laboratory supplies used to treat COVID-19 and similar infectious diseases.

§ 5603-A. Personal Protective Equipment and Sanitation Supplies Public Portal.

(a) Establishment.--The Personal Protective Equipment and Sanitation Supplies Public Portal is established in the department. The portal shall be administered by the department, in consultation with the Department of Health and the Pennsylvania Emergency Management Agency, on the department's publicly accessible Internet website.

(b) Purpose.--The purpose of the portal shall be to permit entities that sell or offer to sell personal protective equipment, sanitation supplies and certain testing and testing supplies in this Commonwealth to appear on the portal as essential product suppliers and to permit eligible procurement parties that intend to purchase personal protective equipment, sanitation supplies and testing and testing supplies to find information relating to essential product suppliers on the portal. The department may facilitate the connection of essential product suppliers and eligible procurement entities in any manner deemed appropriate by the department.

§ 5604-A. Essential product supplier registration.

(a) Application.--
(1) An entity that sells or offers to sell personal protective equipment, sanitation supplies or testing and testing supplies in this Commonwealth and that wishes to have the name of, and contact information about, the entity appear on the portal as an essential product supplier must submit an application to the department and must be registered by the department for inclusion on the portal.

(2) The following entities may submit applications to the department:

(i) Manufacturer of personal protective equipment.
(ii) Manufacturer of sanitation supplies.
(iii) Manufacturer of testing and testing supplies.
(iv) Distributor or retailer of personal protective equipment, sanitation supplies or testing and testing supplies.
(v) An institution of higher education in this Commonwealth that has the manufacturing capability for personal protective equipment, sanitation supplies or testing and testing supplies.
(vi) Any other entity, including a for-profit company or not-for-profit company, volunteer organization or faith-based organization, in this Commonwealth that has the manufacturing capability for personal protective equipment, sanitation supplies or testing and testing supplies.

(b) Form of application.--The department shall prescribe the form and content for applications under this section.

(c) Review of applications.--

(1) The department shall review each application submitted under this section. In conducting its review, the
department shall determine whether the applicant is able to
sell to eligible procurement parties personal protective
equipment, sanitation supplies or testing and testing
supplies according to relevant safety standards of the
Centers for Disease Control and Prevention, the Occupational
Safety and Health Administration and the Department of Health
of the Commonwealth.

(2) The department shall notify in writing an applicant
of the department's decision within 10 business days of
receipt of the application.

(3) If the department approves the application, the
department shall register the applicant as an essential
product supplier on the portal.

(4) If the department disapproves the application, the
department shall provide in the notice under paragraph (2)
the reason for the disapproval. An applicant that is
disapproved under this paragraph may reapply.

(5) If the department fails to provide notice under
paragraph (2) within the 10-day period, the application shall
be deemed approved and the registration granted.

§ 5605-A. Access to portal.
The department shall maintain the portal on a publicly
accessible Internet website.

§ 5606-A. Reporting of information to Department of Health.

(a) Duty to report.--After expiration or other termination
of the Governor's 20200319 TWW COVID-19 Business Closure Order,
any business that was deemed a life-sustaining business, whether
in operation prior to the phased reopening or in operation under
phased guidance through the order, shall, on a time schedule
determined by the Department of Health, submit the following
information to the Department of Health:

(1) The amount and types of personal protective equipment the business possesses or controls and an estimate of the need for the personal protective equipment to operate in accordance with guidelines of the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration and the Department of Health of the Commonwealth.

(2) The amount and types of sanitation supplies the business possesses or controls and an estimate of the need for the sanitation supplies to operate in accordance with guidelines of the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration and Department of Health of the Commonwealth.

(3) The amount and types of testing and testing supplies the business possesses or controls and an estimate of the need for the testing and testing supplies to operate in accordance with the guidelines of the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration and Department of Health of the Commonwealth.


(5) The social distancing mitigation strategy and staffing level to accomplish the strategies under paragraph (4).

(6) An explanation of how insufficient quantities or types of personal protective equipment, sanitation supplies
and testing and testing supplies or staffing creates an inability to operate safely in accordance with relevant guidelines of the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration and Department of Health of the Commonwealth.

(b) Recordkeeping.--A business subject to subsection (a) shall maintain the information required by subsection on site and shall make the information available, upon request, to the department, authorized agent of the department or law enforcement agency at the premises of the business. In addition to the information required under subsection (a), the business shall also maintain the following information:

(1) A daily log of personal protective equipment provided to employees of the business.

(2) Daily cleaning and sanitation schedules, including locations cleaned.

(3) Social distancing mitigation strategies implemented.

§ 5607-A. Whistleblower complaints.

An employee of a business subject to section 5606-A (relating to reporting of information to Department of Health) who reasonably believes that the business is not in compliance with the relevant guidelines of the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration and the Department of Health of the Commonwealth relating to personal protective equipment, sanitation supplies, testing and testing supplies or social distancing plans for safe physical operation of the business may file a complaint on the portal and the department shall forward the complaint to the appropriate agency or law enforcement agency for action pursuant to law.

Section 2. This act shall take effect in 60 days.